

**REMARKS**

Claims 1-17 are pending. Applicant has amended claims 1-4, 9-12, and 14-15.

1. Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1-17 under 35 U.S.C. § 112, ¶2 indicating that the proper interpretation of the term "valid metadata" was unclear. Applicant has amended these claims to clarify the meaning intended by this phrase, and respectfully requests that this rejection be withdrawn.

2. Claim Rejections Under 35 U.S.C. § 101

The Examiner rejected claims 11-17 under 35 U.S.C. § 101 indicating that a data signal is non-statutory subject matter. Applicant respectfully disagrees.

Data signal claims are statutory subject matter if they (1) are manufactured (i.e., not a natural phenomenon), (2) are directed to functional descriptive material, and (3) recite a practical application or cover a specific manufacture. Data signal claims were approved as statutory subject matter by training materials distributed by the USPTO. *Training Materials for the Computer-Related Invention Guidelines*, Tab 11, "Compression/Encryption Examples," Example 13. Those materials include the following example claim:

A computer data signal embodied in a carrier wave comprising:  
a compression source code segment comprising [the code]; and  
an encryption source code segment comprising [the code].

This example was later cited favorably in a law review article written by the Solicitor of the USPTO, Nancy J. Linck, and co-authored by the Assistant Solicitor of the USPTO, Karen A. Buchanan, who participated in the drafting of the above-referenced training materials. *Patent Protection For Computer-Related Inventions: The Past, The Present, And The Future*, Hastings Communications And Entertainment Law Journal, VI. 18, No. 4. In that article, the above example was recited as an example of a statutory article of

manufacture claim because it recites a specific manufacture. The article also stated that the claim was statutory because it has a practical application in the technological arts in that "it can be used to monitor and control the physical processes in an automated manufacturing plant." *Id.* at pp. 677-678.

Applicant's claims are identical to the sample claim noted above except for the purpose of the code segments. Claims 11-17 cause a computer to "parse," "compare," and "modify" metadata, and therefore recite data signals that (1) do not occur naturally, (2) are directed to functional descriptive material, and (3) recite a practical application. Accordingly, Applicant respectfully submits that these claims recite statutory subject matter, and respectfully requests that this rejection be withdrawn.

### 3. Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3, 5-11, and 13-17 under 35 U.S.C. § 102(b) in view of Srivastava (U.S. Patent 6,549,922). In response to Applicant's previous arguments, the Examiner indicates that Applicant's claims do not recite the features upon which Applicant relies. Applicant has amended these claims to more clearly recite these features, and respectfully requests that this rejection be withdrawn.

Srivastava describes a system for managing media metadata. The system in Srivastava first gathers metadata information from the media itself, then turns to auxiliary metadata sources such as look-up services available on the Internet. Information is only gathered from auxiliary sources if it cannot be extracted from the media itself. (Srivastava, col. 5:13-14). A predefined set of elements of metadata to look for is provided, and it is possible to add to or modify which metadata elements are examined. (Srivastava, col. 6:16-18).

Applicant's technology, in contrast, is directed to correcting metadata associated with a particular piece of media using an authoritative source. Unlike Srivastava, Applicant's technology looks to auxiliary sources to obtain the same elements of metadata

that it finds associated with the media to verify the correctness of that metadata. When differing values are found for a particular metadata element, Applicant's technology modifies the contents of the metadata associated with the media to match the contents of the metadata from the authoritative source. Srivastava does not teach modifying the contents of metadata using metadata from an authoritative source.

Each of Applicant's claims recite the unique steps noted above. Claims 1, 9, and 11 recite "comparing contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source" and "modifying said metadata if said compared field contents do not match contents of at least one field of authoritative metadata." Claim 10 recites "means for causing said processor to compare contents of each of said at least one field of metadata with contents of at least one field of metadata from an authoritative source" and "means for causing said processor to modify said metadata if said compared field contents do not match contents of at least one field of authoritative metadata." Each of Applicant's claims recites elements not taught by Srivastava, and therefore Applicant's technology is not anticipated by Srivastava. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

#### 4. Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 4 and 12 under 35 U.S.C. § 103(a) in view of Srivastava and Chu (U.S. Patent 6,493,720). In response to Applicant's previous arguments, the Examiner indicates that Applicant's claims do not recite the features upon which Applicant relies. Applicant has amended these claims to more clearly recite these features, and respectfully requests that this rejection be withdrawn.

As noted above, each of Applicant's claims contains elements not present in Srivastava. These elements are similarly absent from Chu. Chu is cited by the Examiner as teaching checking the validity of media. Chu is directed to detecting changes to metadata in a knowledge management system and keeping the metadata in an information

catalog up to date. Chu describes allowing the user to set a schedule on which changes to metadata are synchronized between a user's system and the information catalog. (Chu col.7:60-61). Where multiple users are modifying the same file, the system in Chu always accepts the latest changes to any metadata as the valid set (Chu col. 7:55-59). Chu does not teach determining if a media file is unavailable or corrupt. Determining that one set of metadata is newer than another is not the same as detecting that the media itself is unavailable or corrupt.

In contrast, Applicant's technology is concerned with the validity of the media itself. Claims 4 and 12 recite "determining if a media file is unavailable or corrupt." Chu does not perform this step, and therefore Applicant's claims contain unique elements not taught by Chu either alone or in combination with Srivastava. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

5. Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 283108007US from which the undersigned is authorized to draw.

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Respectfully submitted,

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